

**REMARKS**

In response to the Office Action dated September 22, 2004 Applicants respectfully request reconsideration and withdrawal of the rejections of the claims. Claims 29-37 were rejected under the first paragraph of 35 U.S.C. § 112. The rejection contends that the phrase "GUI mechanism for determining..." is inappropriate, since it is not apparent how a GUI can "determine" anything, i.e. make a decision. Claim 29 is directed to the feature of the invention that illustrated, for example, in Figure 11C of the application. According to this aspect of the invention, when a user selects a particular software unit, such as the Apache web server, the GUI presents a list of devices on which that software is installed. In order to create such a list, of course, it is necessary to determine which devices have the software installed thereon, for example with reference to a database. Accordingly, it is respectfully submitted that the act of determining is inherent to the functionality of this claimed aspect of the invention.

However, to advance the prosecution of the application, claim 29 has been amended to recite that the GUI mechanism functions to display a plurality of devices to a user. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 12, 13, 15-17, 19, 20, 23 and 24-28 were rejected under the second paragraph of 35 U.S.C. § 112. The rejection states that there is insufficient antecedent basis for the term "said user" in these claims. It is respectfully submitted that the basis for this rejection has been rendered moot in view of the amendment made to parent claim 1.

Claims 1-3, 5, 7-9, 11-20 and 24-28 were rejected under 35 U.S.C. § 102, on the grounds that they were considered to be anticipated by the Dean et al. patent (US 6,202,206). Claims 6 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable

over the Dean patent, and claims 4, 21, 22 and 23 were rejected as being unpatentable over the Dean patent in view of secondary references.

The rejected claims are directed to a graphical user interface for the management of software associated with a plurality of customers. One example of an environment in which the present invention can be employed is in the context of a managed service provider that is responsible for maintaining the websites of a number of diverse customers. In such an environment, it is prudent to manage the software on a customer-centric basis, to maintain security as well as the integrity of the individual websites. For instance, if one of the customers provides a content-delivery service, that customer should not have access to the software of another customer who provides financial services. The present invention provides a graphical user interface that, among other features, ensures that when the software of a particular customer is undergoing maintenance, only those software entities that are appropriate for that customer are accessible to the user who is performing the maintenance.

To clarify this aspect of the invention, the subject matter of original claims 3, 11 and 21 has been incorporated into claim 1. As amended, claim 1 now recites that the graphical user interface includes a mechanism that is actuatable to add a new software group, and in response to the actuation a screen is displayed that lists only those software entities that are associated with a selected one of the plurality of customers.

In rejecting claim 21, the Office Action acknowledges that the Dean patent does not disclose a graphical user interface that lists only those software packages that are associated with one of a plurality of customers. To this end, therefore, the Office Action relies upon the Cantos patent (US 6,529,784), with specific reference to column 6, lines 13-25. It is

respectfully submitted, however, that this reference does not teach the claimed subject matter, whether considered by itself or in combination with the Dean patent.

The referenced portion of the Cantos patent discloses that a control server may send a general message to all agents that a new software package is available for installation. Alternatively, the control server may limit that message to only those agents having target computer systems that are compatible with the new software package. It is respectfully submitted that this portion of the patent does not suggest that a list of software groups that is displayed on a graphical user interface, for possible addition to a user account, is limited to those software entities that are associated with a selected customer. First, the referenced portion of the patent does not relate to a graphical user interface. Rather, it only pertains to the internal operation of the control server 4, in response to information obtained from a knowledge base. Hence, it does not contain any teaching regarding the manner in which the listing of software entities is to be presented to a user.

Second, the Cantos patent does not disclose that any limitations of software packages based upon those that are associated with a selected *customer*. Rather, to the extent that it teaches any sort of limitation, it does so in the context of computer *systems* that are compatible with the new software package. For example, if the new software package is designed to run on a UNIX platform, there would be no reason to send messages to target computers that operate with Windows NT.

In summary, therefore, it can be seen that the Cantos patent does not disclose the *display* of software entities that is limited to only those entities that are associated with a selected *customer* among a plurality of customers. Accordingly, it is respectfully submitted

that the subject matter of claim 1, and its dependent claims, is not suggested by the Dean patent, even when considered in light of the Cantos patent.

Claims 29-37 were rejected under 35 U.S.C. § 103 on the grounds that they were considered to be unpatentable over the Fitzgerald et al. patent (US 5,581,764). As discussed previously, these claims are directed to the feature of the invention. In which the graphical user interface displays to a user a plurality of devices that are associated with a plurality of customers on which a specific software unit is installed. In rejecting the claims, the Office Action refers principally to the Fitzgerald patent at column 7, line 53 to column 8, line 25, particularly the discussion of the Already Have (AH) lists. It is respectfully submitted that the AH lists do not provide an indication of a "plurality of devices" associated with "a plurality of customers" on which a specific software unit is installed. Rather, an AH list indicates the software that is installed on a given *individual* computer. See column 7, lines 57-59 and 62-65, for example. Thus, by referencing an AH list, one would not be informed of the plurality of devices on which a particular software unit was installed. Rather, the list would only identify all of the software that is installed on a *given* device.

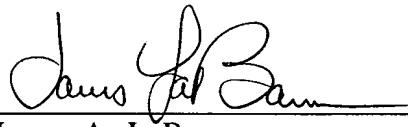
Furthermore, the Fitzgerald patent does not disclose that the AH lists have any relationship to a graphical user interface. The Office Action refers to Fitzgerald's mention of graphical user interfaces at column 2, lines 16-27. However, that portion of the patent has nothing to do with the change management to which AH lists pertain. Rather, at column 2, lines 16-27, the Fitzgerald patent explains that the graphical user interface is one of the factors that lead to the appearance of a greater number of functions on desktop computers. In other words, this portion of the patent relates to graphical user interfaces

that are employed by the end users, rather than graphical user interfaces for managing the distribution of software on a number of individual desktop computers. There is no teaching in the Fitzgerald patent that the AH lists are a component of a graphical user interface. For at least these reasons, therefore, it is respectfully submitted that the subject matter of claims 29-37 is not suggested by the Fitzgerald patent. In addition, other distinguishing features of the invention are recited in the various dependent claims, in view of the fundamental differences noted above, however, a detailed discussion of these other distinctions is believed to be unnecessary at this time.

Reconsideration and withdrawal of the rejection and allowance of all pending claims are respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 22, 2005  
By:   
James A. LaBarre  
Registration No. 28,632

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620